

**REMARKS**

Claims 1, 5-8, 11-13, 15-26, and 28-29 were presented for examination in the present application. The instant amendment adds new claims 30-34 to point out various aspects of the present application. Thus, claims 1, 5-8, 11-13, 15-26, and 28-34 are presented for consideration upon entry of the instant amendment. Claims 1, 8, and 32 are independent.

Independent claims 1 and 8, as well as dependent claims 5, 7, 11, 13, 15-26, and 28- 29, were rejected under 35 U.S.C. §102(b) over Japanese Publication No. JP-7-138048 to Iida et al. (Iida). Dependent claims 6 and 12 were rejected under 35 U.S.C. §103(a) over Iida in view of Japanese Publication No. JP-11-149063 to Araki et al. (Araki).

Applicants respectfully traverse these rejections.

Claim 1 recites, in part, at least one functional layer formed from "**titanium aluminum oxide**", while claim 8 recites, in part, at least one intermediate layer comprising "**titanium aluminum oxide**".

Applicants submit that Iida fails to anticipate the claimed titanium aluminum oxide layers.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the \* \* \* claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

lida discloses that dielectric films chosen from a multiple oxide which added metallic elements or metallic nitrides to zinc, cerium, oxides that have the ultraviolet-rays cutoff performance which uses either of cadmium NIUMU as the main ingredients, these multiple oxide, or these oxides, and silicon, titanium, aluminum, tin, zirconium, tantalum, chromium, and stainless steel. See paragraph [0010].

However, lida simply never discloses or suggests a film made of titanium aluminum oxide as claimed. Rather, the laundry list of elements disclosed by lida simply fails to show the identical invention in as complete detail as is contained in claims 1 and 8.

Notwithstanding the above and merely in the interest of expediting prosecution, Applicants respectfully submit that clarified claims 1 and 8 are not disclosed or suggested by lida.

Claims 1 and 8 have each been clarified to require, in part, that the at least one intermediate layer has "a thickness from 0.3 nm to **4.0 nm** (emphasis added)". Support for these amendments can be found in the original specification at least at page 7, lines 5-10, as well as claim 4 as filed. No new matter is added.

lida discloses that dielectric layers of **10 to 300nm** are laminated as the 2<sup>nd</sup> n layer. See paragraph [0009]. However, lida simply fails to disclose or suggest layers of titanium aluminum oxide with a thickness from **0.3 nm to 4.0 nm** of clarified claims 1 and 8.

The Office Action fails to assert that Araki cures the deficiencies noted above in lida.

Accordingly, claims 1 and 8, as well as claims 2, 5-7, 11-13, 15-26, and 28-29 that depend therefrom, respectively, are not disclosed or suggested by the cited art alone or in combination. Claims 1-2, 5-8, 11-13, 15-26, and 28-29 are therefore in

condition for allowance. Reconsideration and withdrawal of the rejections to claims 1-2, 5-8, 11-13, 15-26, and 28-29 are respectfully requested.

Claims 30-34 have been added to point out various aspects of the present application. Support for new claims 30-31 and 33-34 can be found in the original specification at least at page 7, lines 5-10, as well as claim 4 as filed, while support for new claim 32 can be found in the original specification at least in Figure 4. No new matter is added.

Applicants specifically point out that claims 30-34 are not intended to be limited to the specific mechanisms of patentability previously argued with respect to any prior claims in this or any related applications. Accordingly, Applicants hereby rescind any disclaimer of claim scope and, thus, any prior art for which such a disclaimer was made to avoid may need to be revisited by the Examiner with respect to claims 30-34.

Claims 30-34 are believed to be in condition for allowance.

For example, claims 30 and 31 are allowable for at least the reasons set forth above with respect to claims 1 and 8, respectively.

Claim 32 recites a layer system comprising "at least one titanium aluminum oxide layer, the titanium aluminum oxide layer comprising a ratio of **Ti:Al of between 3.84:1 and 1:23**" and "at least one intermediate layer comprising **a different metal oxide than the at least one titanium aluminum oxide layer**" (emphasis added).

Applicants submit that the cited art fails to disclose or suggest at least one titanium aluminum oxide layer that comprises "a ratio of Ti:Al of between 3.84:1 and 1:23" as in claim 32. Moreover, the Applicants submit that the cited art fails to disclose or suggest the claimed ratio in combination with the at least one intermediate layer that comprises "a different metal oxide than the at least one titanium aluminum oxide layer"

as in claim 32. Thus, claim 32, as well as claims 33-34 that depend therefrom, are in condition for allowance.

In view of the above, it is respectfully submitted that the present application is in condition for issuance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

December 8, 2009

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